

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-4 were pending prior to the Office Action. Claim 1 has been amended, claim 3 and 4 have been canceled, and new claims 5 and 6 have been added through this Reply. Therefore, claims 1, 2, 5, and 6 are pending. Claims 1 and 5 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

35 U.S.C. § 103 REJECTION – ANDO ET AL. IN VIEW OF PORTUESI

Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ando et al. (U.S. Patent 7,178,159 B1) (hereinafter “Ando”) in view of Portuesi (U.S. Patent 6,499,057 B1) (hereinafter “Portuesi”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 now recites, *inter alia*, “An image sending apparatus, comprising: ... ***a reproduction range specifying unite which specifies a reproduction range of the specified movie file; an extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction range; an animation image set up unit which creates an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image;***”

Ando merely teaches an image data relaying apparatus that selects data to be sent to a terminal. Ando also teaches that the data may be still image data. In addition, Ando teaches a control unit 1201 to provide control for producing compressed moving picture data from the still image data. More specifically, Ando converts JPEG still image data into compressed movie data with a stepwise image quality complementing process. In particular, Ando performs quantizing process on the difference between an original image and an image transmitted by quantizing the

original image by using finer value than the previous quantizing step value when displaying still image in an enlarged manner on a terminal to minimize image quality deterioration. However, Ando fails to teach that the apparatus includes ***“a reproduction range specifying unite which specifies a reproduction range of the specified movie file,”*** as recited in claim 1. Ando merely codes the image data according to the image size (col. 20, lines 23-33). Nowhere does Ando teach or suggest producing compressed moving picture data from the still image data based on a specified reproduction range of the specified movie file.

Furthermore, Ando fails to teach or suggest that the apparatus includes ***“extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction range,”*** as recited in claim 1. As discussed above, Ando fails to specify a reproduction range. Therefore, Ando fails to teach an extraction unit that extracts N pieces of static image from specified movie file based on the reproduction range. Moreover, Ando fails to teach that the apparatus ***creates an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image.***

In addition, the Office Action attempts to combine Ando with Portuesi. However, Portuesi merely teaches specifying format of the movie file. Neither Ando nor Portuesi, or in combination, teaches or suggests all features in claim 1.

Therefore, for at least these reasons, independent claim 1 is distinguishable from Ando and Portuesi. Claim 2 depend from claim 1. Therefore, for at least the reasons stated with respect to claim 1, claim 2 is also distinguishable from Ando and Portuesi.

Accordingly, Applicant respectfully requests that the rejection of claims 1 and 2, based on Ando and Portuesi, be withdrawn.

NEW CLAIMS

Claims 5 and 6 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. For example, claim 5 recites, *inter alia*, ***“an image sending method, comprising: specifying a desired movie file; specifying a reproduction range of the desired movie file; extracting N pieces of static image***

from the desired movie file based on the reproduction range; creating an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image; and sending the animation image file.” It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claim 5 is distinguishable over the cited references.

Claim 6 depends from independent claim 5. Therefore, claim 6 is also distinguishable over the cited references for at least the reasons stated with respect to claim 5.

Applicant respectfully requests that the claims 5 and 6 be allowed.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 19, 2008

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant